FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4103 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. Shriram S.Kulkarni for Petitioner.
Mr. M.H. Solkar, A.G.P. for State.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 25, 2005

P.C.

. This is a petition challenging the mutation entries in Survey records. In my opinion, the petition can be disposed of with some clarification as the suit being Regular Civil Suit No. 340 of 1998 which was filed by the respondent before the trial court has been decreed by the trial court and appeal has been preferred by the present petitioners. The revenue entries therefore, can be subject matter of the order to be passed in appeal.

. The only grievance of the petitioner is that in writ petition No. 3092 of 1998 a statement has been wrongly recorded that

there is no dispute that the petitioners in that petition are in possession. On behalf of the Respondents, herein learned counsel contended that the same could only be corrected by filing review. Whatever maybe the position, a mere statement made by the counsel will not stand in the way of petitioners if otherwise they are in possession to establish the possession by leading evidence in the suit. If there be any such evidence, then the appellate court will consider that evidence independently irrespective of what this court has said in the earlier writ petition. With the above clarification, writ petition stands disposed off.

. P.A. to issue authenticated copy of this order.

(F.I.REBELLO,J.)